

REMARKS

In the Office Action dated June 30, 2006, the disclosure was objected to because the Examiner required inclusion of the serial number series in the designation of the copending United States application at page 3, line 7. This correction has been made.

The disclosure also was objected to because the Examiner stated in Figure 1, reference numeral 1 is referred to as "tape drive" on page 7, but is referred to as "tape cartridge" on page 8, line 2, and again as "tape drive" on page 8, line 6.

Applicant is unable to find any use of any reference numerals on page 7 of the present specification, but acknowledges that the term "tape cartridge" at page 8, line 2, should have been "tape drive" and the specification has been amended to make this correction. With this correction, Applicant submits that the nomenclature and reference numeral usage are consistent throughout the specification.

Claims 3 and 4 were objected to because the Examiner stated it was unclear as to what the limitations "said first tape" and "said second tape" refer to. The Examiner stated there is insufficient antecedent basis for this limitation in the claim. The Examiner suggested changing this terminology to "said first pair of tapes" and "said second pair of tapes", which the Examiner stated were referenced in claim 1.

There is no reference to a first pair of tapes or a second pair of tapes in claim 1, but there is a reference to a first pair of tape hubs and a second pair of tape hubs. Claim 1 does refer to first and second magnetic recording tapes, and these are the elements that were intended to be further defined in claims 3 and 4. Each of claims 3 and 4, therefore, has been amended to use the term "first magnetic recording tape"

and "second magnetic recording tape", and those terms, as noted above, have proper antecedent basis in independent claim 1.

Claims 7, 9 and 10 were objected to because the Examiner stated there was insufficient antecedent basis for the term "head positioning assembly" used in those claims. In response, claim 7 has been amended to change the initially-occurring term "positioning assembly" to "head positioning assembly" so that there is proper antecedent basis for the subsequent use of "head positioning assembly" in claim 7, as well as in claims 9 and 10.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Adams.

Claim 1 of the present application requires that the holder for wide magnetic recording tape have four generally rectangular lateral walls. Claim 1 further requires that the first pair of tape hubs be mounted between two opposite ones of the lateral walls, and also requires that the second pair of tape hubs be mounted between these opposite ones of the lateral walls for rotation around respective rotational axes. The term "lateral walls" as used in claim 1 was intended to refer to the four side walls of the tape cartridge that are present between the top and the bottom of the tape cartridge. In the Adams cartridge, by contrast, the hubs are mounted for rotation between the top side 120 and the bottom side 121 of the cartridge. Claim 1 was also intended to claim that the rotation of the two pairs of hubs occurs around respective rotational axes that also proceed between the two opposite ones of the lateral sides. Claim 1 has been amended to make this explicit. Since the hubs in the Adams reference rotate around respective rotational axes that proceed between the

aforementioned top side 120 and bottom side 121, this is one basis as to why the Adams reference does not anticipate claim 1.

It should be noted that claim 1 uses the term "axis" (an imaginary line) rather than "axle" (a physical element). Therefore, it is proper to refer to the "axis" as proceeding *through* the opposite lateral walls.

Further, in substantiating the rejection of claims 1 and 2 as being anticipated by Adams, the Examiner stated the Adams reference discloses an opening in at least one of the lateral walls allowing access to a central space inside the lateral walls. The original language of claim 1 of the present application requires, however, that the first magnetic recording tape, that is carried by the first pair of tape hubs, span this central space, and also requires that the second magnetic recording tape, carried by the second pair of tape hubs, also span this central space. The Examiner did not identify any structure in the Adams reference which the Examiner believes satisfies those limitations of claim 1. In the Adams reference, Applicant does not believe that either of the tapes 140 or 141 spans a central space, to which access is provided through an opening of the lateral walls. Although the Examiner did not so state in the Office Action, it is possible the Examiner is interpreting the entirety of the volume encompassed by the housing in the embodiment shown in Figure 4 of the Adams reference to be a "central space" and the opening in which the recording heads 220 and 221 are disposed as being an opening allowing access to this central space. If this is the case, although the two tapes in the embodiment of Figure 4 may be considered to be located *in* the central space, as broadly interpreted, they clearly do not span the central space, even under such a broad interpretation.

Nevertheless, independent claim 1 has been amended to preclude such an unjustifiably overbroad interpretation by stating that the central space is defined at a first side thereof by one of the tape hubs in the first pair, and at a second, opposite side thereof by one of the tape hubs in the second pair. Clearly, no such structure is disclosed in the Adams reference. This structure is shown in several of the figures of the present application, including Figures 3 and 5 wherein a first of the pairs of tape hubs can be considered to be the hubs 15 and 17, with the tape wound thereon spanning (proceeding below) the central space in which the recording head 14 is located, and the other pair of hubs can be considered as the hubs 16 and 18, with the tape carried thereon spanning (proceeding above) the same central space in which the head 14 is located. This is also clearly shown in Figures 8 and 9.

Applicant therefore submits that the Adams reference does not disclose all of the elements of claim 1 as arranged and operating in that claim, and therefore does not anticipate claim 1, nor claim 2 depending therefrom.

Claims 3-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Adams in view of Saliba et al. Each of those claims depends from claim 1, and therefore the above distinctions between the subject matter of claim 1 and the disclosure of the Adams reference are relevant to this rejection of claims 3 and 4, since each of those claims depends from independent claim 1. For the reasons discussed above in connection with independent claim 1, even if the cartridge disclosed in the Adams reference were modified in accordance with the teachings of Saliba et al, the subject matter of claims 3 and 4 still would not result, because the Adams reference does not disclose or suggest all of the elements of independent claim 1.

As to independent claim 5, the Examiner stated the Adams reference discloses all of the subject matter thereof except for a holder having a width perpendicular to the transport direction of at least approximately 24mm, for which the Examiner relied on the Saliba et al reference.

In substantiating the statement that the Adams reference discloses all of the subject matter of claim 5 except for the aforementioned width of the magnetic recording tape, the Examiner stated that the Adams reference discloses a holder assembly having a central space therein that is spanned by each of the first and second magnetic recording tapes. The above discussion with regard to the "central space" in claim 1 is equally relevant with regard to the use of this same term in claim 5. In order to preclude the same unjustifiably overbroad interpretation of claim 5, a similar amendment has been made in claim 5 as the amendment discussed above in connection with claim 1, namely to state that the central space is between one of the tape hubs in the first pair and one of the tape hubs in the second pair. No such structure is disclosed in the Adams reference, and since the four-hub embodiments shown in Figures 8A and 8B of the Saliba reference make use only of a single magnetic recording tape, the Saliba et al reference can provide no teachings whatsoever with regard to two magnetic recording tapes respectively wound on two pairs of hubs.

The subject matter of claim 5, therefore, would not have been obvious to a person of ordinary skill in field of designing cartridges for magnetic recording tape under the provisions of 35 U.S.C. §103(a) based on the teachings of Adams and Saliba et al. Claim 6 adds further structure to the non-obvious combination of claim

5, and therefore would not have been obvious to such a person of ordinary skill for their same reasons discussed above in connection with claim 5.

Claims 7 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rudi '395 in view of Saliba et al. The Examiner stated the Rudi '395 reference discloses all of the subject matter of claim 7, except for a magnetic recording head and a positioning assembly on which the magnetic recording head is mounted, disposed between a central two of the drive shafts.

In making this statement, Applicant respectfully submits the Examiner has misinterpreted the Rudi '395 reference. The Rudi '395 reference not only discloses a magnetic recording head, but discloses *multiple* (i.e. four) magnetic recording heads 9a, 9b, 9c and 9d, which are clearly shown in Figures 4, 5 and 6. Moreover, because of the symmetrical arrangement of the drive shafts in the Rudi '395 tape drive, namely at four corners of a square, there are no two of those drive shafts that can be considered to be a "a central two of said drive shafts" since all of those drive shafts are equidistantly positioned and spaced from each other. Therefore, even if a person of ordinary skill in the field of tape cartridge design, for reasons unknown to the present Applicant, wanted to modify the drive disclosed in the Rudi '395 reference in accordance with the teachings of Saliba et al, such a person would not be able to find a "central two of said drive shafts" in the Rudi '395 et al reference in order to position a magnetic recording head therebetween. Moreover, it is essential to the intended operation of the Rudi '395 reference that the aforementioned four recording heads be used, and moreover that they be positioned at the respective locations shown in Figures 4, 5 and 6, in view of the aforementioned positioning of the drive shafts at the four corners of a square. Therefore, modifying the Rudi '395

reference to place a recording head at some position other than the positions shown in Figures 4, 5 and 6 would destroy the intended operation of the Rudi '395 system, and therefore is not a permissible modification thereof to propose as a basis for a rejection under 35 U.S.C. §103(a).

In order to preclude the Examiner from (arbitrarily) picking any two of the drive shafts in the Rudi '395 reference as being "a central two of said drive shafts," claim 7 has been amended to state that the respective drive shafts have respective spaces therebetween, and the central two of the drive shafts have a largest of these spaces therebetween. Clearly no such structure exists in the Rudi '395 reference, wherein all of the drive shafts are equidistantly positioned from each other.

Claim 7, therefore, would not have been obvious to a person of ordinary skill in the field of tape drive design under the provisions of 35 U.S.C. §103(a) based on the teachings of Rudi '395 and Saliba et al. Claim 11 adds further structure to the no-obvious combination of claim 7, and therefore, would not have been obvious to such a person of ordinary skill for the same reasons discussed above in connection with claim 7.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rudi '395 and Saliba et al, further in view of Okamura. Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rudi and Saliba et al, further in view of Kido. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kido in view of Saliba et al, however, this rejection is not understood because claim 10 depends from claim 7, and the Examiner found it necessary, in rejecting claim 7, to additionally rely on Rudi '395, and therefore it is not seen how reliance on the Rudi '395 reference is unnecessary with regard to claim 10.

With regard to all of these dependent claims 8, 9 and 10, however, Applicant submits that for the same reasons discussed above with regard to the rejection of claim 7 based on Rudi '395 and Saliba et al, modifying that combination based on the teachings of the further references, still would not result in a tape drive as set forth in any of claims 8, 9 and 10, all of which embody the subject matter of claim 7 therein.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

Stan H. Noll (Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.

CH1\4638004.1